IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 191 of 2005(W)

PETITIONER:

ALL INDIA RUBBER BOARD EMPLOYEES ORGANISATION, AZAD LANE, KOTTAYAM, REPRESENTED BY ITS GENERAL SECRETARY, K.M.BASHEER.

BY ADV. SRI.P.K.SIVADASAN NAIR
SRI.S.MADHAVAN NAIR
SMT.M.SINI.

RESPONDENTS:
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1. **THE RUBBER BOARD, (GOVERNMENT OF INDIA, MINISTRY OF COMMERCE) P.B.NO.280, SASTRI ROAD, KOTTAYAM 686 001, REPRESENTED BY ITS CHAIRMAN.**

2. **THE GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY UDYOG BHAVAN, NEW DELHI-110 011, REPRESENTED BY ITS SECRETARY.**

*3. **KHALIDUDEEN, PANAVILA HOUSE, THOTTAKKADU P.O., MANAMPOOR VILLAGE, CHIRAYINKEEZHU TALUK, TRIVADRUM DIST.**

4. **THANKAMMAL R., THANKOM JYOTHI, NADUVELY VILLAGE, PADINJAREKARA, KOCHUKAVALA, VAIKOM P.O. KOTTAYAM.**

5. **ANANDAVALLY V.R., KOLLAMPARAMBIL, MUTTAMBALAM VILLAGE, NAGAMPADOM P.O., KOTTAYAM.**

6. **DHANALAKSHMI AMMAL N., KOLLASSERIL PUTHEN MADOM, NEAR UNION CLUB, KOTTAYAM- 686 001.**

7. **KALA K.G., KALASADANAM, RUBY NAGAR, MANGANAM P.O., KOTTAYAM- 686 018.**

**8. SALY K.C., PULLOLICKAL HOUSE,
PUTHUPPALLY P.O., KOTTAYAM 686 011.**

**9. PHILOMINA THOMAS, PUTHINANCHIL PARAMBIL,
VILLOONNI P.O., ARPOOKARA, KOTTAYAM- 686 008.**

**10. K.A. ANTONY, QUARTER NO. 1/15,
R.R 11, KOTTAYAM-9.**

**11. E.A. CHACKO, ELAKKODINJIYIL HOUSE,
SOUTH PAMPADY P.O., KOTTAYAM- 686 521.**

***ADDL.R3 TO R11 ARE IMPLEADED AS PER ORDER DATED 25/01/2005 IN IA NO. 1147/2005.**

****12. B. VIJAYAKUMARI, ASSISTANT, FOA DIVISION,
R.B. , KOTTAYAM.**

**13. P. SEETHALAKSHMI,
ASSISTANT, R.P. DEPARTMENT,
R.B., KOTTAYAM.**

14. SHEELA PETER, ASSISTANT, R.O., KOTTAYAM.

**15. SATHI P.K., ASSISTANT, ED DIVISION,
R.B., KOTTAYAM**

**16. P.T. MATHEW, ASSISTANT,
RP DEPARTMENT, RUBBER BOARD, KOTTAYAM.**

**17. VALSAMMA MATHEW .N,
ASSISTANT, ESTABLISHMENT (P) SECTION,
RUBBER BOARD, KOTTAYAM.**

**18. K.G. SREEKUMAR, ASSISTANT,
L.W SECTION, RUBBER BOARD,
KOTTAYAM.**

**19. JAMES JOSEPH, ASSISTANT,
L.W. SECTION, RUBBER BOARD,
KOTTAYAM.**

20. HARIKUMAR B.,
ASSISTANT, EDA/ES, RBHO,
KOTTAYAM.

***ADDL. R12 TO R20 ARE IMPLEDED AS PER ORDER IN IA NO. 16672/2005.**

BY ADV. SRI. P. PARAMESWARAN NAIR, ASS. SG.
ADV. SRI.JOSEPH MARKOSE -- R1
ADVS. DR.K.P.KYLASANATHA PILLAY --- R3 TO R11
SRI.ARUN.B.VARGHESE
SRI.T.P.DEYANANTHAN
SMT.SREEDEVI KYLASANATH
SRI.V.E.ABDUL GAFOOR, ADDL.CGSC
SRI.M.DINESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 191/2005 w

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. REF. NO. 1/1/5/BS/EST/2001 DT. 23/07/2001 FROM THE R1 TO THE PETITIONER.

EXT.P2. COPY OF THE OFFICE ORDER NO. 300 DT. 14/2/79 ISSUED BY THE R1.

EXT.P3. COPY OF THE PROCEEDINGS NO. 18/91 DT. 15/5/91 BY THE R1.

EXT.P4. COPY OF THE REPRESENTATION DT. 28/5/92 FROM THE GENERAL SECRETARY RUBBER BOARD STAFF ASSOCIATION BEFORE THE R1.

EXT.P5. COPY OF THE REPRESENTATION DT. 15/6/92 FROM THE GENERAL SECRETARY RUBBER BOARD EMPLOYEES' UNION, KOTTAYAM BEFORE THE R1.

EXT.P6. COPY OF THE REPRESENTATION DT. 16/3/2002 FROM THE PETITIONER ORGANIZATION BEFORE THE R1.

EXT.P7. COPY OF THE REPRESENTATION DT. 19/09/2002 FROM THE PETITIONER TO THE R1.

EXT.P8. COPY OF THE LETTER DT. 8/11/2004 FROM THE PETITIONER ADDRESSED TO THE R1.

EXT.P9. COPY OF THE RELEVANT EXTRACT RELATING TO THE POST OF ASSISTANT SECTION OFFICER AS IN THE SCHEDULE O THE RUBBER BOARD SERVICE RULES, 1961.

EXT.P10. COPY OF THE OFFICE ORDER NO. 653 DT. 11TH JULY, 1990 BY THE R1.

EXT.P11. COPY OF THE REPRESENTATION DT. 27/1/2005 FROM THE PETITIONER-ORGANIZATION ADDRESSED TO THE R1.

EXT.P12. COPY OF THE OFFICE ORDER NO. CM/79/EST DT. 14TH. FEBRUARY, 1979 BY THE R1.

EXT.P13. COPY OF THE OFFICE MEMORANDUM,D T. 17/2/2006.

EXT.P14. COPY OF THE REPRESENTATION DT. 6/12/2006 GIVEN BY THE PETITIONER TO THE R1.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE CHART SHOWING THE HIERARCHY.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 191 OF 2005-W

JUDGMENT

The petitioner is All India Rubber Board Employees' Organization. It is aggrieved by the present promotion Rules governing promotion to the post of Section Officer, in which, according to the petitioner, the Stenographers have an advantage over Assistants. So, this writ petition was filed, seeking the following relief:

> "(i) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents commanding them to review the existing norms for promotion to higher posts from the common cadre of Stenographers and Assistants and delink Stenographers from the common cadre in the matter of promotion and provide a separate channel to them.."

2. Essentially, the prayer is to amend the existing promotion Rules. This Court cannot issue any direction to the Rubber Board to amend its Rules. Of course, if the existing Rules are arbitrary and therefore, unconstitutional, this Court can declare that they are unenforcible. But, the petitioner has not even produced the said Rules before this Court. Therefore, this Court cannot examine the defects in them. Further, there is no prayer concerning the validity of the Rules also. In view of the above

position, no relief could be granted to the petitioner in this writ petition. Accordingly, it is dismissed. But, this will not affect the rights of the petitioner to take up the matter before the competent authorities and approach this Court again, if so advised, challenging the validity of the Rules.

26th October, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/